IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14864 of 2003

Between:

1 Vuppala Krishna Murthy, S/o. Ramachan- draiah, Secretary Piduguralla Primary Agricultural Cooperative Credit Society, Pidururalla, Piduguralla Mandal, Guntur District.
2 M. Subba Rao, S/o. Radha Krishna, Secretary, Pillutlla Primary Agricultural Coop- erative Credit Society, Pillutlla, Machavaram Mandal, Guntur District.
3 Sagi Anajaneyulu, S/o. Laxmaiah, Secretary, Karalapadu Primary Agricultural Cooperative Credit Society, Piduguralla Mandal, Guntur District.
4 Deepala Subrahmanyam, S/o. Anantharamaiah, Secretary, Zulakallu Primary Agricultural Coop- erative Credit Society, Zulakallu, Piduguralla mandal, Guntur Dist.
5 Chinthakayala Suryanarayana, S/o. Mallaiah, Secretary, Brahmanapalli Primary Agricultural Cooperative Credit Society, Brahmanapalli, Piduguralla Mandal, Guntur District.
6 Palinadi Peda Venkateswarlu, S/o. China Nagaiah, Incharge Secretary, Peda Agraharam Primary Agricultural Cooperative Credit Society, Peda Agraharam, Piduguralla mandal, Guntur District.
7 Uriti Venkateswarlu, S/o. Sri Ramulu, Secretary, Machavaram Primary Agricultural Cooperative Credit Society, Machavaram, Piduguralla Mandal, Guntur District.
8 Annavareddy Jaganmohan Reddy, S/o. Venkata Krishna Reddy, Secretary, Anupalem Primary Agricultural Cooperative Credit Society, Anupalem, Rajupalem Mandal, Guntur District.
9 Kurapati Satyanarayana, S/o. Sarabaiah, Secretary, Pedanemalapuri Primary Agricultural Cooperative Credit Society, Pedanemalapuri, Rajupalem Mandal, Guntur District.

..... PETITIONERS

AND

1 The Govt. of A.P., Cooperation Department, rep.by its Secretary, Secretariat, Hyderabad.
2 The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampalli, Hyderabad.
3 The Guntur District Coop. Central Bank Ltd., rep.by its General Manager, Guntur, Guntur District.
4 The District Cooperative Officer, Guntur, Guntur District.
5 The Divisional Cooperative Officer, Narasaraopet, Guntur District.
6 The Divisional Cooperative Officer, Guntur, Guntur District.
7 Piduguralla Primary Agricultural Cooperative Credit Society, rep.by its Manager/Person-in-Charge, Piduguralla, Piduguralla Mandal, Guntur District.
8 Pillutlla Primary Agricultural Coopera- tive Credit Society, rep.by its Manager/Person-in-Charge Pillutlla, Machavaram Mandal, Guntur District.
9 Karalapadu Primary Agricultural Cooperative Credit Society, rep.by its Manager/Person-in-Charge, Piduguralla Mandal, Guntur District.
10 Zulakallu Primary Agricultural Coope- rative Credit Society, rep.by its Manager/Person-in-Charge, Zulakallu, Piduguralla Mandal, Guntur District.
11 Brahmanapalli Primary Agricultural Cooperative Credit Society, Brahmanapalli, rep.by its Manager/Person-in-Charge, Piduguralla Mandal, Guntur District.
12 Peda Agraharam Primary Agricultural Cooperative Credit Society, Peda Agraharam, rep.by its Manager/Person-in-Charge, Piduguralla Mandal, Guntur Dist.
13 Machavaram Primary Agricultural Cooperative Credit Society, Machavaram, rep.by its Manager/Person-in-Charge, Piduguralla Mandal, Guntur District.
14 Anupalem Primary Agricultural Cooperative Credit Society, Anupalem, rep.by its Manager/Person-in-Charge, Rajupalem Mandal, Guntur District.
15 Pedanemalapuri Primary Agricultural Cooperative Credit Society, Pedanemalipuri, rep.by its Manager/Person-in-Charge, Rajupalem Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ declaring the action of the respondents in not paying the salaries to the petitioners as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec. 116-C of the Act.

Counsel for the Petitioner: MR.SANAKANARASIMHA RAO

Counsel for the Respondent No.1, 2, 4 to 6: G.P. for CO-OPERATION

Counsel for the Respondent Nos. 3, 7 to 15: --- None appeared --

The Court made the following :

:ORAL ORDER:

The petitioners are employees of respondent Nos. 7 to 15 – Primary Agricultural Co-operative Societies (for short PACS). Their grievance is that their salaries are not being paid by the respondent Nos. 7 to 15 (PACS) since April, 2003 on account of the provisions of Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). They admit that the respondent Nos. 7 to 15 (PACS) do not have enough financial ability to pay salaries to them within the financial discipline enjoined by the provisions of Section 116-C of the Act. The petitioners neither plead nor establish that the respondent Nos.7 to 15 are State within the meaning of Article 12 of the Constitution of India or that the State Government has any liability for the payment of their salaries.

In the above circumstances, the writ petition itself is not maintainable nor could any relief be granted to the petitioners herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue appropriate alternative remedy in accordance with law. No costs.

_____

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, the Govt. of A.P., Cooperation Department, Secretariat, Hyderabad.
2 The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampalli, Hyderabad.
3 The General Manager, the Guntur District Coop. Central Bank Ltd., Guntur, Guntur District.
4 The District Cooperative Officer, Guntur, Guntur District.
5 The Divisional Cooperative Officer, Narasaraopet, Guntur District.
6 The Divisional Cooperative Officer, Guntur, Guntur District.

7.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

8.2CD copies